

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FORREST KENDRID,

Plaintiff,

v.

DAVID, et al.,

Defendants.

No. 2:24-cv-1489 DJC SCR P

ORDER

Plaintiff, a former state prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. §1983. In an order filed June 20, 2024, the court found service of the complaint appropriate on all defendants. (ECF No. 4.) While defendants have been served and have filed an answer, documents that the court served on plaintiff were returned by the Postal Service. (See Docket Entries on July 12, 2024; Aug. 14, 2024; Sept. 4, 2024; Oct. 15, 2024.) On October 2, this court recommended this action be dismissed for plaintiff's failure to keep the court apprised of his address and failure to prosecute. (ECF No. 17.)

It has come to the court's attention that on November 12, 2024, plaintiff filed a change of address in another case pending in this court, Kendrid v. Marzan, No. 2:22-cv-2301 TLN CSK P. As a one-time courtesy, the court takes judicial notice of that filing and the Clerk of the Court has changed plaintiff's address on the docket in the present case. Accordingly, this court will vacate

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1 the October 2 findings and recommendations. However, plaintiff is warned that if he fails to keep  
2 the court apprised of his current address, this court will recommend this action be dismissed.

3 It appears that plaintiff did not receive copies of the order finding service appropriate. It  
4 will be re-served on plaintiff. In addition, by separate order, the court will refer this case to the  
5 court's early Alternative Dispute Resolution program and stay the proceedings to permit the  
6 parties to attempt to resolve this case by settlement.

7 For the foregoing reasons, IT IS HEREBY ORDERED that

- 8 1. The findings and recommendation filed October 2, 2024 (ECF No. 17) are vacated;  
9 and  
10 2. The Clerk of the Court is directed to serve a copy of the court's June 20, 2024 order  
11 (ECF No. 4) on plaintiff along with the copy of this order.

12 DATED: December 10, 2024

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15 SEAN C. RIORDAN  
16 UNITED STATES MAGISTRATE JUDGE  
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